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09/923,292	08/06/2001	Stephane Kasriel	155.1007.01	1405

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ROBERT M. MCDERMOTT, ESQ.  
1824 FEDERAL FARM ROAD  
MONTROSS, VA 22520

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,292

Applicant(s)

KASRIEL ET AL.

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08/06/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) 8,9,12,23-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10192004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Information Disclosure Statement**

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. And the attorney docket number in the references should be removed.

**Oath/Declaration**

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it does not identify the residence of each inventor.

**Drawings**

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: content delivery network 130, mirroring servers 135, compression software 144, the place marker 121, a method 300 and mirroring server 130.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
  - a. Reference characters “130” and “120” have both been used to designate the content delivery network.
  - b. Reference characters “130” and “135” have both been used to designate mirroring server.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
  - c. Reference character “120” has been used to designate both originating server and the content delivery network.
  - d. Reference character “130” has been used to designate both mirroring server and the content delivery network.
6. The drawings are objected to because in figure 3A, applicant fails to show that step 315 is preceded by step 314.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Specification**

7. The disclosure is objected to because of the following informalities:
- On page 12, line 1: the reference number 120 corresponding to the content delivery network was intended to be 130.
  - On page 19, line 7 and line 12: the reference number 121 corresponding to the place marker was intended to be 212.
  - On page 22, line 13: the reference number 130 corresponding to the mirroring server was intended to be 135.
  - On page 22, line 13: said “the encoder proxy” lacks antecedent basis in the specifications.
  - On page 23, line 6: the reference number 110 corresponding to the template was intended to be 210.

Please note that the listing above are some of the examples of minor informalities and its not the exhaustive listing of the entire informalities encountered in the disclosure. It is assumed to be an applicant's duty to fix the rest.

Appropriate correction is required.

**Claim Objections**

8. Claims 8, 9, 12, 23 and 24 are objected to because of the following informalities:
- With respect to claim 8, the phrases “templates” and “sub-templates” on line 14 lacks antecedent basis in the parent claim.
  - With respect to claim 9, the phrase “proxy server” on line 20 should be described as proxy encoder server.
  - With respect to claim 12, the proxy encoder on line 13 should be proxy encoder server.
  - With respect to claim 23, the phrases templates and sub-templates on line 6, 7, 8 and 9 lacks antecedent basis.
  - With respect to claim 24, a feature “sub-strings” on line 13,14, and 15 lacks antecedent basis in the specifications. The phrase “the number” on line 15 also lacks antecedent basis.

Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 2, 3, 7, 10-15, 18, 21, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph as there is insufficient basis for the limitations provided below in the claims.

- Claim 2 recites the limitation “said requests” in line 14.
- Claim 3 recites the limitation “said requests” in line 17 and 18.

- Claim 7 recites the limitation "said templates and sub-templates" in line 9.
- Claim 10 recites the limitation "said step of redirecting" in line 6.
- Claim 11 recites the limitation "said step of redirecting" in line 9.
- Claim 12 recites the limitation "said step of comparing" in line 12.
- Claim 13 recites the limitation "said step of comparing information" in line 15.
- Claim 14 recites the limitation "said step of comparing" in line 19.
- Claim 15 recites the limitation "said step of comparing" in line 1.
- Claim 18 recites the limitation "said step of responding" in line 10.
- Claim 21 recites the limitation "said proxy encoder" in line 21.
- Claim 22 recites the limitation "said decoder" in line 2.
- Claim 24 recites the limitation "said number" and "said delta" in line 16.

**Claim Rejections - 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-7, 9-12 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. (U.S. Patent No. 6,374,305 B1).

With respect to claim 1, Gupta et al discloses: a client device, including a means for making a request to a remote server (see abstract, figure 1 object number 28); a proxy encoder (see abstract, figure 2 object number 34), including software for identifying and manipulating template information and sub-template information (see abstract); a memory coupled to said proxy encoder (figure 2 object number 38), said memory including said template information and said sub-template information (column 2 lines 65-67); and a communication network coupled to said client device and said proxy encoder (figure 1, see abstract).

With respect to claim 2, Gupta et al further discloses: an apparatus as set forth above, including a decoder, wherein said decoder includes a means for intercepting said requests (column 2 lines 14-26).

With respect to claim 3, Gupta et al further discloses: an apparatus as set forth in claim 2, wherein said decoder includes a means for decompressing responses to said requests (read as unpacking: column 8 line 34) and integrating said responses to said requests (column 8 lines 54-55).

With respect to claim 4, Gupta et al further discloses: an apparatus as set forth in claim 2 above, wherein said decoder is coupled to said client device (column 2 line 16-17).

With respect to claim 5, Gupta et al further discloses: an apparatus as in claim 2, wherein said decoder is coupled to a network element local to said client device, where said network element includes one of the following: web browser, a firewall, a router or a proxy cache (column 2 lines 18-20).



With respect to claim 6, Gupta et al further discloses: an apparatus as in claim 1 above, wherein said proxy encoder includes software for data compression (column 4 lines 6-9 and lines 16-18).

With respect to claim 7, Gupta et al further discloses: an apparatus as in claim 1, wherein said proxy encoder includes software for comparing said templates and sub-templates in said memory with other information obtained from said remote server (column 7 line 8 and column 8 lines 37-52).

With respect to claim 9, Gupta et al discloses: redirecting a request from a client to a proxy server (column 4 lines 35-38), said proxy server including a memory comprised of template information and sub template information (figure 2, column 2 lines 65-67 through column 3 lines 1-8); comparing information included in said memory with other information from a remote server (column 4 line 58, column 7 line 8, column 8 lines 37-45); responding to said request by sending template information (read as downstream messages), sub-template information and delta information (column 8 lines 34-36).

With respect to claim 10, Gupta et al further discloses: a method as in claim 9 above, wherein said step of redirecting is performed by a decoder coupled to a user's browser (column 2 lines 50-55).

With respect to claim 11, Gupta et al further discloses: a method as in claim 9 above, wherein said step of redirecting is performed by a remote server (column 2 lines 39-49).

With respect to claim 12, Gupta et al further discloses: a method as in claim 9 above, wherein said step of comparing is performed by a proxy encoder (column 7 lines 4-17).

With respect to claim 16, Gupta et al further discloses: a method as in claim 9 above, also including a step of compressing and caching said template information (column 4 lines 17, 22-24 and column 2 lines 65-67).

With respect to claim 17, Gupta et al further discloses: a method as in claim 9 above, also including a step of compressing and caching said sub-template information (column 4 lines 17, 22-24 and column 2 lines 65-67).

With respect to claim 18, Gupta et al further discloses: a method as in claim 9 above, wherein said step of responding to said request is performed by said proxy encoder (column 7 lines 1-60 and column 8 lines 34-36).

**Claim Rejections - 35 USC § 103**

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 13-15, 19, 20-22 are rejected under 35 U.S.C 103(a) as being unpatentable over Gupta et al (U.S. Patent No. 6,374,305 B1) in view of Lewis (U.S. Patent No. 5,845,088).

15. Gupta et al discloses all the limitations of claims 1-7, 9-12 and 16-18 as set forth above.

16. However, Gupta et al does not disclose explicitly the following limitations:

With respect to claim 15, a method as in claim 9, wherein said step of comparing includes identifying a set of delta information.

With respect to claim 19, a method as in claim 9, including a step of integrating said template information, said sub-template information and said delta information.

With respect to claim 20, method as in claim 19, wherein said step of integrating includes decompressing said template information and said sub-template information.

With respect to claim 21, a method as in claim 19, wherein said step of integrating is performed by said proxy encoder.

With respect to claim 22, a method as in claim 19, wherein said step of integrating is performed by said decoder.

17. Lewis explicitly discloses a method for the production and transmission of enhanced interactive multimedia information with the following limitations:

As in claim 15 above, the most important information is identified and enhanced to provide the best quality information to the receiver of the multimedia information (column 4, lines 9-12).

As in claim 19 above, the multimedia information is replicated (read as integrated) by combining the enhanced primary and secondary layers of information (column 11 lines 29-30).

As in claim 20 above, the primary layers are decompressed and then mixed with the secondary layers via decompress mix block 110 at the receiving end (column 5 lines 32-35).

As in claim 21 above, the primary layers are provided to an encoder where primary layers are prepared for transmission (read as integrating) at block 108 of figure 2 (column 5 lines 5-7).

As in claim 22 above, decoding (read as integrating) the separate encoded layers (primary and secondary) by the decoder (column 12, lines 27).

18. Gupta et al and Lewis are analogous art because they are directed to a similar problem solving area of adequately utilizing the available bandwidth of the network and reducing the network latency.

19. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Lewis as stated above with a mobile-based client-server system architecture of Gupta et al for an improved way of responding to the requests because it would have increased the overall efficiency over relatively slow, high latency networks.

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20. Neither Gupta et al nor Lewis disclose the limitations as set forth in claims 13 and 14, but it would have been obvious to the one ordinary skill in the art to tag the template and sub-template information in order to identify a version of the information because it would have avoid transferring the redundant information, it would have also created an efficient way of comparing, differentiating and identifying the most up to date information available.

21. Claims 8 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al in view of Lewis as applied to claims 13-15, 19, 20-22 above, and further in view of Jois et al (U.S. Patent No. 6,112,242).

With respect to claim 8, neither Gupta et al nor Lewis discloses an apparatus as set forth in claim 1 above, including a means for distinguishing between those documents that are sent more efficiently using templates and sub-templates from those documents that are sent efficiently without the use of sub-templates; a means for managing a hierarchy of sub-templates; and a means for assembling templates and sub-templates.

With respect to claim 23, neither Gupta et al nor Lewis discloses a method as in claim 9 above, including steps of distinguishing between those documents that are sent more efficiently using templates and sub-templates from those documents that are sent efficiently without the use of templates; managing and retrieving sub-templates; and assembling templates and sub-templates.

22. Jois et al explicitly discloses system and method for dynamic data interacting in a hypertext data processing system with the following limitations:

As in claim 8 above, in one embodiment, the sub-templates and the program (read as set of instructions or information without templates and sub-templates) are sent to the client to construct the interactive web page there (see abstract, figure 3); a hierarchical system of sub-templates is managed (column 6 lines 21-23, see figure 3 and 5); a final product is composed or generated (read as assembled) by a web page generator by using a master template and sub-templates (column 5 lines 35-67 through column 6 lines 1-24).

As in claim 23 above, Jois et al further teaches managing and retrieving sub-templates (figure 3 item number 250, figure 5, figure 6, column 6 lines 1-5); combining (read as assembling) the master template and sub-templates with the use of program tags (column 5 lines 35-67 through column 6 lines 1-24, column 2 lines 26-32).

23. It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Jois et al as stated above with the system and method of data processing of Gupta et al in view of Lewis for distinguishing between documents that are sent more efficiently using templates and sub-templates and without using templates and sub-templates, creating an organized set of information in a form of hierarchy and combining the set of information to obtain a final multimedia document. The motivation for doing so would have been so that efficient method of transmission of documents is obtained by reducing network latency and network bandwidth is also utilized by transferring priority documents only.

24. With respect to claim 24, Lewis further teaches a method as in claim 23 above, wherein said step of distinguishing includes: identifying common sub-strings (column 5 line 1);

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classifying (reads as separating) said common sub-strings (column 2 lines 21-25); checking the number of variations of said sub-strings (column 4 lines 43-47); comparing said number to a number of said deltas (column 13 line 8).

**Conclusion**

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner as of general interest cites the following references:

- a. Chan et al. U.S. Patent No. 6,697,844 B1
- b. Lash U.S. Pub. No. 20020188665 A1
- c. Dan et al. U.S. Patent No. 6,560,639 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is N/A. The examiner can normally be reached on 8.30am-5.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Zarni can be reached on 703-308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner KAMAL DIVECHA

  
ZARNI MAUNG  
PRIMARY EXAMINER